

Application No. 09/933,567

REMARKS

The Applicants thank Examiner Robinson for her careful review of this application. Claims 1-13, 20, and 63-72 have been rejected by the Examiner. Claims 14-19 and 21-62 stand withdrawn from consideration by the Examiner because of a restriction requirement made by the Examiner. Upon entry of this amendment, Claims 1, 3-5, 7-9, and 11-72 remain pending in this application. The independent claims are Claims 1, 5, 9, 13, 14, 20, 21, 22, 39, 48, 57, 63 and 72.

Consideration of the present application is respectfully requested in light of the above claim amendments to the application and in view of the following remarks.

Response to Election/Restriction

Claims 1-72 were subject to a restriction requirement imposed by the Examiner on June 17, 2005: Group I Claims: 1-13, 20 and 63-72; Group II Claims: 14-19; Group III Claim 21; and Group IV Claims 22-62. The Applicants elected the Group I Claims with traverse.

The Examiner has narrowly interpreted Applicants' response to the restriction requirement by stating that the "Applicants admit that the inventions are distinct." In their response to the restriction requirement on July 18, 2005, Applicants argued that as set forth in the second paragraph of Section 803 of the MPEP, the Examiner must examine an application on the merits if the examination of the entire application can be made without serious burden. Furthermore, the Applicants argued that a restriction is proper where two criteria are present: (1) the inventions must be independent or distinct as claimed; and (2) there must be a serious burden on the Examiner if the restriction is not required.

Therefore, the Applicants were merely stating that it was not a serious burden for the Examiner to examine all of the Claims of this application, which the Examiner alleged contained four distinct inventions because the Examiner believed that the Claims were not substantially related. In other words, the Applicants were merely repeating the Examiner's position regarding the *allegedly* four distinct inventions. The Applicants were not stating whether the claimed inventions were distinct or not.

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The Applicants have not cancelled Claims 14-19 and 21-62 because the Examiner's Office Action of September 29, 2005 was not final in nature. The Applicants note that Claims 14-19 and 21-62 must be cancelled only if the Examiner maintains the restriction requirement AND in response to a final Office Action. However, cancellation of these claims is not required under the rules in response to a final restriction requirement that is part of a non-final Office Action. See M.P.E.P. § 821.01, first column, last paragraph and form paragraph 8.24 that recites "final rejection."

However, if the Examiner determines that the elected claims are allowable over the prior art of record and the Examiner would like authorization to cancel the non-elected, withdrawn claims to place the application in condition for allowance, the Examiner is invited to contact the undersigned for such authorization.

Rejection under 35 U.S.C. § 112, second paragraph

The Examiner rejected Claims 3, 7, and 63-72 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention.

In response to the rejection of Claims 3 under 35 U.S.C. § 112, second paragraph, the Applicants have amended independent Claim 1 to include a reference to a "data repository." As Claim 3 depends upon independent Claim 1, Applicants believe there is sufficient antecedent basis for the limitation in Claim 3. Reconsideration and withdrawal of the rejection of Claim 3 is respectfully requested.

Similarly, in response to the rejection of Claims 7 under 35 U.S.C. § 112, second paragraph, the Applicants have amended independent Claim 5 to include a reference to a "data repository." As Claim 7 depends upon independent Claim 5, Applicants believe there is sufficient antecedent basis for the limitation in Claim 7. Reconsideration and withdrawal of the rejection of Claim 7 is respectfully requested.

For Claims 63 and 72, the Examiner alleges that the language of "tagged consumer information" is vague and unclear in regards to independent Claims 63 and 72. Specifically, the Examiner alleges that the term "tagged" is not clear with respect to "consumer information."

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Furthermore, the Examiner rejected Claims 64-71 based on their dependency of Claim 63. The Applicants have amended Claims 63 and 72 in accordance with the Examiner's helpful comments. Accordingly, reconsideration and withdrawal of the rejection of Claims 63-72 under 35 U.S.C. § 112, second paragraph, is respectfully requested.

Rejection under 35 U.S.C. § 102

The Examiner has rejected Claims 1-13, 20, and 63-72 under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent No. 5,983,208 issued in the name of Haller et al (hereinafter, the "Haller reference").

The Applicants respectfully offer remarks to traverse these rejections. The Applicants will address each independent claim separately as the Applicants believes that each independent claim is separately patentable over the prior art of record.

Independent Claim 1

The rejection of Claim 1 is respectfully traversed. It is respectfully submitted that the Haller reference fails to describe teach or suggest: (1) receiving consumer profile information over a distributed network; (2) storing the consumer profile information in a central data repository comprising a plurality of information accounts, associated with a plurality of different consumers, logically associated with a plurality of exchanges, each information account associated with at least one exchange, wherein an exchange comprises a group of one or more servers that are authorized and configured to accept the consumer profile information from a particular information account at the request of a consumer; (3) receiving requests from the exchanges for consumer profile information in specific information accounts; and (4) responding to said requests by conveying some or all of the consumer profile information to the requesting exchange, provided that the information account storing the consumer profile information is associated with the requesting exchange, as recited in amended independent Claim 1.

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The Haller Reference

The Haller reference describes a system for securely transmitting payment information from a customer to a merchant to a payment gateway and returning a certification, including a credit confidence factor to allow a merchant to determine whether to accept or reject payment information utilizing a flexible, extensible architecture.

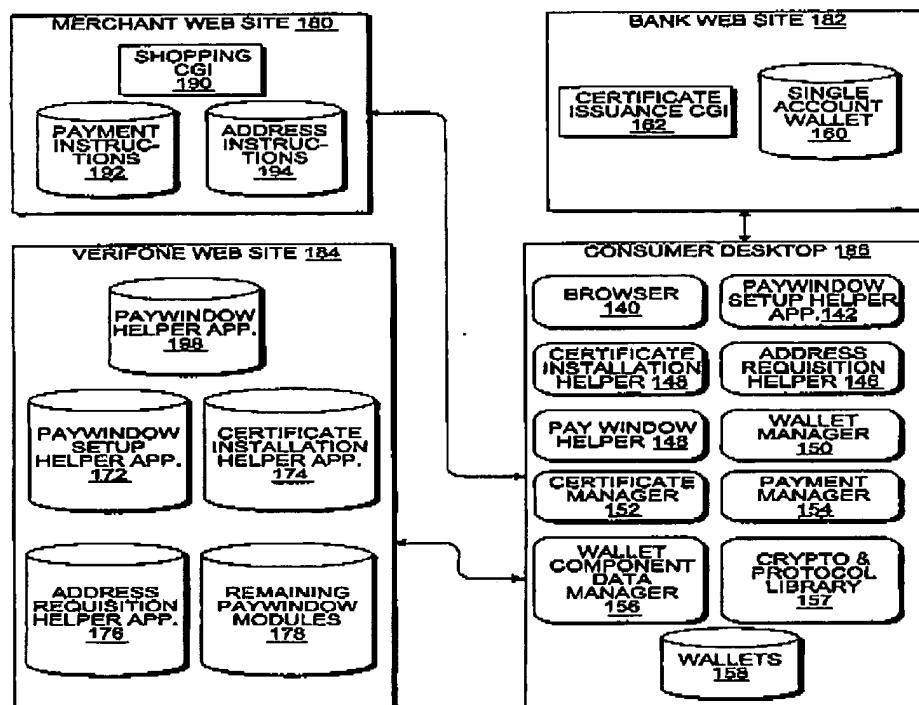
More specifically, as illustrated below in Fig. 1C of the Haller reference is a block diagram of the payment processing system. According to the Haller reference, a consumer uses a browser 140 to shop a merchant web site 180 for products. When the consumer decides to make a purchase, the system gathers the consumer's personal information, including payment information, and processes the information with a Certificate Issuance Common Gateway Interface ("CGI") 162 at a Bank Web Site 182. After processing the information, a certificate is issued by the Certificate Issuance CGI 162 at the Bank Web Site 182 along with a payment instrument, and forwarded to the consumer in a Multipurpose Internet Mail Extensions (MIME) message. See Col. 102, lines 25-34.

In Fig. 1C, the Single Account Wallet 160 at the Bank Web Site 182 represents the MIME message that is created by the Certificate Issuance CGI 162. The MIME message in the Single Account Wallet 160 contains a VeriFone wallet. The VeriFone wallet contains a single payment instrument and the certificate, issued by the Certificate Issuance CGI 162, associated with it. When the Certificate Issuance CGI 162 issues the certificate, the MIME message, containing the VeriFone wallet and the certificate, is sent to the consumer's browser 140. The consumer's browser 140 launches a Certificate Installation application 148 from a Certificate Installation Helper Application 174 located at VeriFone's web site 184. The Certificate Installation application 148 launched on the consumer's browser 140 is defined as a helper application in the browser 140. The Certificate Installation application 148 reads the MIME message and installs the VeriFone wallet into the wallet database 158 on the consumer desktop 186. See Col. 102, lines 35-48.

Next, the Paywindow helper application 142 is utilized by the consumer to authorize the payment to the merchant, to administer the VeriFone wallets, to review the previously completed payment transactions, and to perform housekeeping activities on the VeriFone wallets. The

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browser 140 launches the Paywindow helper application 188 when the merchant web site 180 sends a MIME message requesting payment. Thereafter, the certificate, issued by the Certificate Issuance CGI 162, contained in the VeriFone wallet can then be used to authorize payments to the merchants. See Col. 102, lines 25-34.

**FIG. 1C**

The Haller reference fails to teach storing the consumer profile information in a central data repository comprising a plurality of information accounts, associated with a plurality of different consumers, logically associated with a plurality of exchanges, each information account associated with at least one exchange, wherein an exchange comprises a group of one or more servers that are authorized and configured to accept the consumer profile information from a particular information account at the request of a consumer, as recited in independent Claim 1. Instead, Haller teaches transmitting the consumer information to a Bank Web Site, or other certificate issuing agency such as a credit card association, to issue a payment certificate to

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enable payment processing to proceed online. The certificate information is then transmitted via a wallet, or "payment instrument holder," to the consumer's software, where it is stored. See Col. 107, lines 19-47.

Therefore, the wallet file of Haller is different from the information accounts of the independent Claim 1. The wallet file is a payment instrument holder *stored in the consumer's software*, as shown in Figure 1C above (158), that contains a certificate issued by a payment authorization agency utilized to conduct payment processing online for that individual consumer with online merchants. Therefore, in Haller, the consumer information including payment information is stored locally on each consumer's desktop. The information accounts of independent Claim 1 are stored in a central data repository along with a plurality of other information accounts that are associated with different consumers.

Furthermore, not only does the Haller reference fail to teach the central data repository for storing the plurality of information accounts, it also fails to teach the plurality of information accounts logically associated with a plurality of exchanges. The exchanges of independent Claim 1 may "comprise a group of entities (e.g., vendor servers) that are authorized and configured to accept consumer information from a particular information account at the request of the consumer." See paragraph [085] of Original Application. In Haller, as discussed above, the consumer information is stored in a wallet database on the consumer's desktop 186. Therefore, the only logical grouping of the wallets in Haller is to associate a particular wallet that contains a consumer's information with that particular consumer. Haller fails to teach that the consumer information is logically associated with a plurality of exchanges as recited in independent Claim 1.

#### Summary for Analysis for Independent Claim 1 Rejection

In light of the differences between amended independent Claim 1 and the Haller reference, Applicants submit that the Haller reference fails to teach or suggest at least the features set forth in amended independent Claim 1. Applicants submit that none of the other documents cited by the Examiner teach or suggest those features. Accordingly, Applicants respectfully request consideration and withdrawal of the rejection of Claim 1.

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Independent Claim 5

The rejection of Claim 5 is respectfully traversed. It is respectfully submitted that the Haller reference fails to describe teach or suggest: (1) receiving consumer profile information over a distributed network; (2) storing the consumer profile information in a central data repository comprising a plurality of information accounts, associated with a plurality of different consumers, logically associated with a plurality of exchanges, each information account associated with at least one exchange, wherein an exchange comprises a group of one or more servers that are authorized and configured to accept the consumer profile information from a particular information account at the request of a consumer; (3) receiving requests from the exchanges for consumer profile information in specific information accounts; and (4) responding to said requests by conveying some or all of the consumer profile information to the requesting exchange, provided that the information account storing the consumer profile information is associated with the requesting exchange, as recited in amended independent Claim 5.

Similar to the analysis of independent Claim 1, the Haller reference fails to address storing the consumer profile information in a central data repository comprising a plurality of information accounts, associated with a plurality of different consumers, logically associated with a plurality of exchanges, each information account associated with at least one exchange, wherein an exchange comprises a group of one or more servers that are authorized and configured to accept the consumer profile information from a particular information account at the request of a consumer, as recited in amended independent Claim 5.

In light of the differences between amended independent Claim 5 and the Haller reference, Applicants submit that the Haller reference fails to teach or suggest at least the features set forth in amended independent Claim 5. Applicants submit that none of the other documents cited by the Examiner teach or suggest those features. Accordingly, Applicants respectfully request consideration and withdrawal of the rejection of Claim 5.

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Independent Claim 9

The rejection of Claim 9 is respectfully traversed. It is respectfully submitted that the Haller reference fails to describe teach or suggest: (1) a central data repository accessible over a distributed network, said central data repository comprising a plurality of information accounts, associated with a plurality of different consumers, logically associated with a plurality of exchanges, each information account associated with at least one exchange, wherein an exchange comprises a group of one or more servers that are authorized and configured to accept the information from a particular information account at the request of a consumer; and (2) a host server in communication with the distributed network, said host server receiving requests from the said exchanges for consumer profile information in specific information accounts, and responding to said requests by conveying some or all of the consumer profile information to the requesting exchange, provided that the information account storing the consumer profile information is associated with the requesting exchange, as recited in amended independent Claim 9.

Similar to the analysis of independent Claim 1, the Haller reference fails to address a central data repository accessible over a distributed network, said central data repository comprising a plurality of information accounts, associated with a plurality of different consumers, logically associated with a plurality of exchanges, each information account associated with at least one exchange, wherein an exchange comprises a group of one or more servers that are authorized and configured to accept the information from a particular information account at the request of a consumer, as recited in amended independent Claim 9.

In light of the differences between amended independent Claim 9 and the Haller reference, Applicants submit that the Haller reference fails to teach or suggest at least the features set forth in amended independent Claim 9. Applicants submit that none of the other documents cited by the Examiner teach or suggest those features. Accordingly, Applicants respectfully request consideration and withdrawal of the rejection of Claim 9.

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Independent Claim 13

The rejection of Claim 13 is respectfully traversed. It is respectfully submitted that the Haller reference fails to describe teach or suggest: (1) receiving consumer profile information relating to a plurality of different consumers and storing the consumer profile information in a plurality of information accounts, associated with a plurality of different consumers, collectively associated with a plurality of exchanges, each of said exchanges comprising a logical grouping of one or more servers communicating with user devices over a distributed network, and each information account being associated with at least one of said exchanges, wherein the one or more servers are authorized and configured to accept the consumer profile information from a particular information account at the request of a consumer; (2) receiving requests from the servers in said exchanges for consumer profile information in specific information accounts; and (3) responding to said requests by conveying some or all of the consumer profile information to a server within the requesting exchange, provided that the information account storing the consumer profile information is associated with the requesting exchange, as recited in amended independent Claim 13.

Similar to the analysis of independent Claim 1, the Haller reference fails to address receiving consumer profile information relating to a plurality of different consumers and storing the consumer profile information in a plurality of information accounts, associated with a plurality of different consumers, collectively associated with a plurality of exchanges, each of said exchanges comprising a logical grouping of one or more servers communicating with user devices over a distributed network, and each information account being associated with at least one of said exchanges, wherein the one or more servers are authorized and configured to accept the consumer profile information from a particular information account at the request of a consumer, as recited in amended independent Claim 13.

In light of the differences between amended independent Claim 13 and the Haller reference, Applicants submit that the Haller reference fails to teach or suggest at least the features set forth in amended independent Claim 13. Applicants submit that none of the other documents cited by the Examiner teach or suggest those features. Accordingly, Applicants respectfully request consideration and withdrawal of the rejection of Claim 13.

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Independent Claim 20

The rejection of Claim 20 is respectfully traversed. It is respectfully submitted that the Haller reference fails to describe teach or suggest: (1) gathering consumer profile information relating to a plurality of different consumers at a plurality of exchanges, each exchange comprising a logical grouping of one or more servers communicating with user devices over a distributed network; (2) sending the consumer profile information to a central data repository for storage in information accounts, associated with a plurality of different consumers, each having an affiliation with one or more of the exchanges, comprising one or more servers that are authorized and configured to accept the consumer profile information from a particular information account at the request of a consumer; (3) requesting retrieval of consumer profile information from servers in the exchanges; and (4) receiving the requested consumer profile information respectively at each of the requesting servers if the information account is associated with the requesting server's exchange, as recited in amended independent Claim 20.

Similar to the analysis of independent Claim 1, the Haller reference fails to address gathering consumer profile information relating to a plurality of different consumers at a plurality of exchanges, each exchange comprising a logical grouping of one or more servers communicating with user devices over a distributed network; and sending the consumer profile information to a central data repository for storage in information accounts, associated with a plurality of different consumers, each having an affiliation with one or more of the exchanges, comprising one or more servers that are authorized and configured to accept the consumer profile information from a particular information account at the request of a consumer, as recited in amended independent Claim 20.

In light of the differences between amended independent Claim 20 and the Haller reference, Applicants submit that the Haller reference fails to teach or suggest at least the features set forth in amended independent Claim 20. Applicants submit that none of the other documents cited by the Examiner teach or suggest those features. Accordingly, Applicants respectfully request consideration and withdrawal of the rejection of Claim 20.

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Independent Claim 63

The rejection of Claim 63 is respectfully traversed. It is respectfully submitted that the Haller reference fails to describe teach or suggest: (1) a central data repository storing a plurality of branded information accounts, relating to a plurality of different consumers, each comprising a plurality of consumer information elements, stored in a tagged data format, associated with a consumer and an identification of a sponsor of the branded information account; and (2) a host server for managing communications between the central data repository and network devices across a distributed network, said host server being configured to retrieve selected consumer information elements from the central data repository in response to requests from the network devices, and to transmit the selected consumer information elements across the distributed network for use by the requesting network devices, as recited in amended independent Claim 63.

The Haller reference fails to address a central data repository storing a plurality of branded information accounts, relating to a plurality of different consumers, each comprising a plurality of consumer information elements, stored in a tagged data format, associated with a consumer and an identification of a sponsor of the branded information account, as recited in amended independent Claim 63.

The Haller reference discloses storing the customer information in a wallet file, which is different from a plurality of branded information accounts in a central data repository as disclosed in independent Claim 63. The wallet file is a payment instrument holder *stored in the consumer's software*, as shown in Figure 1C (158) of the Haller reference, that contains a certificate issued by a payment authorization agency utilized to conduct payment processing online for that individual consumer with online merchants. Therefore, in Haller, the consumer information including payment information is stored locally on each consumer's desktop, and are associated with only that consumer. The plurality of branded information accounts of independent Claim 63 are stored in a central data repository along with a plurality of other branded information accounts that are associated with different consumers.

In light of the differences between amended independent Claim 63 and the Haller reference, Applicants submit that the Haller reference fails to teach or suggest at least the features set forth in amended independent Claim 63. Applicants submit that none of the other

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documents cited by the Examiner teach or suggest those features. Accordingly, Applicants respectfully request consideration and withdrawal of the rejection of Claim 63.

Independent Claim 72

The rejection of Claim 72 is respectfully traversed. It is respectfully submitted that the Haller reference fails to describe teach or suggest: (1) a means for centrally storing a plurality of branded information accounts, relating to a plurality of different consumers, comprising a plurality of consumer information elements, stored in a tagged data format, associated with a consumer and identifying a sponsor of the branded information account; (2) means for hosting a database management system configured to create, update or delete the consumer information elements; and (3) means for managing communications between the database management system and a network device across a distributed electronic network, said means being configured to request selected consumer information elements from the database management system, receive the selected consumer information elements from the database management system, and transmit the selected consumer information elements across the distributed electronic network for use by the network device, as recited in amended independent Claim 72.

Similar to the analysis of independent Claim 63, the Haller reference fails to address a means for centrally storing a plurality of branded information accounts, relating to a plurality of different consumers, comprising a plurality of consumer information elements, stored in a tagged data format, associated with a consumer and identifying a sponsor of the branded information account, as recited in amended independent Claim 72.

The Haller reference discloses storing the customer information in a wallet file, which is different from a plurality of branded information accounts in a central data repository as disclosed in independent Claim 63. The wallet file is a payment instrument holder *stored in the consumer's software*, as shown in Figure 1C (158) of the Haller reference, that contains a certificate issued by a payment authorization agency utilized to conduct payment processing online for that individual consumer with online merchants. Therefore, in Haller, the consumer information including payment information is stored locally on each consumer's desktop, and are associated with only that consumer. The plurality of branded information accounts of

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independent Claim 63 are stored in a central storage means along with a plurality of other branded information accounts that are associated with a plurality of different consumers.

In light of the differences between amended independent Claim 72 and the Haller reference, Applicants submit that the Haller reference fails to teach or suggest at least the features set forth in amended independent Claim 72. Applicants submit that none of the other documents cited by the Examiner teach or suggest those features. Accordingly, Applicants respectfully request consideration and withdrawal of the rejection of Claim 72.

Dependent Claims 2-4, 6-8, 10-12, and 64-71

The Applicants respectfully submit that the above-identified dependent claims are allowable because the independent claims from which they depend are patentable over the cited references. The Applicants also respectfully submit that the recitations of these dependent claims are of patentable significance.

In view of the foregoing, the Applicants respectfully request that the Examiner withdraw the pending rejections of dependent Claims 2-4, 6-8, 10-12, and 64-71.

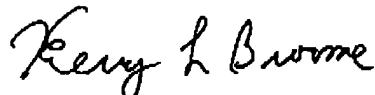
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**CONCLUSION**

The Applicants submit the foregoing as a full and complete response to the Non-Final Office Action mailed on September 29, 2005. The Applicants and the undersigned thank Examiner Robinson for consideration of these remarks. The Applicants have amended the claims and have submitted remarks to traverse rejections of Claims 1-13, 20, and 63-72. The Applicants respectfully submit that the present application is in condition for allowance. Such action is hereby courteously solicited.

If the Examiner believes that there are any issues that can be resolved by a telephone conference, or that there are any formalities that can be corrected by an Examiner's amendment, please contact the undersigned at (404) 572-4647.

Respectfully submitted,



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